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November 21, 2008

Center for Victims of Torture  
1875 I Street, NW, 5<sup>th</sup> Floor  
Washington, DC 20006

Evangelicals for Human Rights  
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National Religious Campaign Against Torture  
316 F Street, NE, Suite 200  
Washington, DC 20002

To the members of the Campaign to Ban Torture:

Thank you for contacting my office to share your declaration of principles on torture and prisoner treatment. I commend you for assembling such a clear statement of views, and writing it in a way that resonates both morally and intellectually.

I, too, believe that the United States of America is better, and must be better, than its enemies, and that our treatment of prisoners captured in the fight against terrorism (or in more conventional wars) must reflect this. I also agree that there is little evidence to suggest that coercive interrogation techniques are more effective than non-coercive techniques, and I think it is clear that the use of these techniques is detrimental to the United States' national security. These techniques discourage our allies from cooperating with us, and serve as a recruiting poster for our enemies.

We must recognize that when Americans are captured abroad in the future, international standards of prisoner treatment, and particularly the Geneva Conventions, will sometimes be the only shield they have. These standards have evolved from hopeful ideals into widely observed rules of conduct in part because the most powerful country in the world has led by example. Any time the United States government attempts to skirt these standards, it weakens them, thereby increasing the risk of abuse for American prisoners. And the fact that our worst enemies have horrifying and barbaric methods for dealing with prisoners does not make these methods useful or legitimate.

I also agree that the United States should not "disappear" individuals for indefinite lengths of time. (Nor, for that matter, should any other country). I have supported legislation that would require any intelligence agency that detains a prisoner to provide notification and access to either US courts or the International Red Cross. This is consistent with the practices of the Armed Forces of the United States, and our military services have already demonstrated how this practice can be implemented effectively without sacrificing security priorities. I also believe that any individual detained by the United States should have the opportunity to prove his or her innocence in a fair and open process. Governments are undeniably capable of making mistakes,

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and without an opportunity to contest their innocence, wrongly imprisoned individuals could conceivably remain in prison with no recourse.

On a related point, I agree that the United States should not transfer prisoners to foreign governments that are likely to torture or abuse them.

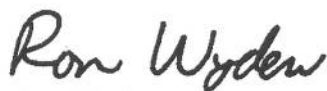
As a member of the Senate Select Committee on Intelligence, I naturally believe that Congress must be kept fully and currently informed regarding detention and interrogation activities. This is actually a requirement of the National Security Act of 1947, but most of my colleagues and I were nonetheless kept in the dark regarding the CIA's detention and interrogation program until late 2006. Withholding information from Congress in this manner thwarts the normal intelligence oversight process and, as we have seen, increases the likelihood of bad decisions.

Beyond disclosures to Congress, I think it would be in the public interest to declassify and release portions of the recent history of covert interrogations. Clearly there are many operational details related to this program that are properly classified, but much of the story of how the United States came to use coercive techniques in the first place could be safely made public. Bringing more of this story to light – including the evidence that I believe indicates that these techniques are not particularly useful – could make it easier for people to evaluate for themselves whether these techniques are effective or not, and whether any officials should be held accountable for authorizing their use. Most importantly, it could help keep the mistakes of the past from being repeated.

Preventing these mistakes from being repeated will require clear policy direction from the President, and I am confident that this direction will be forthcoming. Additionally, I believe that Congress, which is charged by the Constitution to make rules regarding captured individuals, must take decisive legislative action in this area. There are a number of laws against torture and abusive interrogation techniques already on the books, but we must make sure these laws are as strong and clear as possible, to head off any future attempts to circumvent them. I am looking forward to working with my colleagues and the incoming administration to accomplish this.

I appreciate the opportunity to share my views on this subject. Hopefully you will find them helpful.

Sincerely,

A handwritten signature in black ink that reads "Ron Wyden". The signature is written in a cursive, flowing style.

Ron Wyden  
United States Senator